

Appl. No.: 09/857,635
Group Art Unit: 1712
Applicants' Reply to Paper No. 12

REMARKS

Claims 11-15, 17-18, 20-27 and 29-33 are currently pending in the instant application.

Claim 19 has been canceled without prejudice, and claim 21 has been amended without prejudice. No new matter has been introduced. Support for the amendment to claim 21 can be found in the Specification, for example, at page 5, lines 28-30. Applicants submit that no fees for additional claims are due. A complete listing of all claims ever presented is included herein in accordance with 37 C.F.R. §1.121(c). Entry of the amendments is therefore proper and respectfully requested.

In Paper No. 12, the Examiner objects to claim 19 under 37 C.F.R. §1.75(c), as being of improper dependent form for failing to further limit the subject matter of the claim from which it depends. Applicants have canceled claim 19 and request withdrawal of the Examiner's objection.

In Paper No. 12, the Examiner rejects claims 21, 23-27 and 29-31 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim that which Applicants regard as their invention. Specifically, the Examiner contends that there is no antecedent basis for "the composition" in the last line of claim 21.

While Applicants do not necessarily agree with the Examiner that the claims were indefinite or unclear, claim 21 has been amended to remove the reference to "the composition", and the phrase "based on the aqueous silica sol" has been added instead to provide more clarity. Support for this amendment can be found, for example, at page 5, lines 28-30, of the Specification. Thus, it is clear that the claimed amount of hardness stabilizer is based on the claimed aqueous silica sol. Applicants submit that the claims are clear and definite and respectfully request the reconsideration of the Examiner and the withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

In Paper No. 12, the Examiner rejects claims 11, 17 and 18 under 35 U.S.C. §102(b), as being anticipated by Japanese Patent Publication No. JP 07-149575 A ("JP '575"). Specifically, the Examiner contends that JP '575 discloses a composition containing a silica sol

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in an amount up to 5% and a polyacrylic acid at a level of from 0.001 to 1.0%, which the Examiner argues overlaps the presently claimed invention. Applicants respectfully disagree with the Examiner's contentions, and traverse the rejection for the following reasons.

JP '575 discloses a composition containing 0.05 to 5.0 parts by weight of a silicate and 0.001 to 1.0 parts by weight of a polyacrylic acid. At 0.001 part by weight of the polyacrylic acid to 5.0 parts by weight silicate, this equates to 1 part polyacrylic per 5000 parts silicate. This is well outside the range of 0.01 to 400 *parts per million* as claimed in the instant application. Applicants respectfully submit that as the reference fails to teach the inclusion of a hardness stabilizer at the claimed levels, the reference fails to anticipate the claimed invention.

Reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) are respectfully requested.

In view of the amendments made herein and the remarks set forth above, Applicants submit that the claims patentably distinguish over the prior art of record and known to Applicants, either alone or in combination. Accordingly, reconsideration, withdrawal of the rejections and a Notice of Allowance for all pending claims are respectfully requested.

Respectfully submitted,

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(Date):

By: _____

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